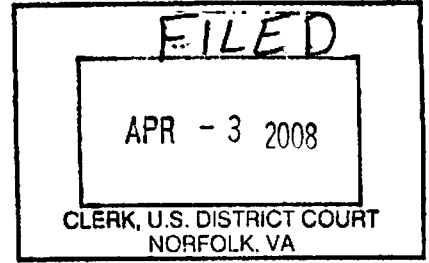


UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF VIRGINIA  
NORFOLK DIVISION



CHRISTIAN RIGHTS MINISTRIES, a  
Virginia non-profit corporation; and  
STEVE TAYLOR, an individual,

Plaintiffs,

v.

CITY OF CHESAPEAKE; ROBERT  
CLIFTON, in his official capacity as  
Director of Parks and Recreation;  
DONNA HILL, individually and in her  
official capacity as Recreation  
Superintendent; BRENDA JOHNSON,  
individually and in her official capacity as  
Chairperson for the Chesapeake Fourth  
of July Celebration,

Defendants.

CIVIL ACTION NO.: 2:08-cv-154

VERIFIED COMPLAINT  
FOR INJUNCTIVE RELIEF,  
DECLARATORY RELIEF  
AND NOMINAL DAMAGES  
PURSUANT TO  
42 U.S.C. § 1983

Plaintiffs Christian Rights Ministries and Steve Taylor come and aver the following:

INTRODUCTION

1. This is a civil rights action brought against a city government and its employees for preventing the display of a cross in a public park because the governmental authorities view the cross as "blatantly Christian" and "offensive."

2. In this civil rights action, Plaintiffs Christian Rights Ministries and Steve Taylor seek injunctive relief, declaratory relief, and damages, pursuant to 42 U.S.C. §§ 1983 and 1988, against Defendants City of Chesapeake; Robert Clifton, in his official capacity as Director of Parks and Recreation for the City of Chesapeake; Donna Hill, individually and in her official capacity as Recreation Superintendent for the Department

of Parks and Recreation for the City of Chesapeake; and Brenda Johnson, individually and in her official capacity as Chairperson for the City of Chesapeake's Fourth of July Celebration.

3. This action is premised on the United States Constitution concerning the denial of Plaintiffs' fundamental rights of free speech, due process, equal protection, and free exercise by the Defendants.

4. Defendants' actions have deprived and will continue to deprive Plaintiffs Christian Rights Ministries and Steve Taylor of their paramount rights and guarantees provided under the United States Constitution.

5. Each and every act of Defendants alleged herein was committed by Defendants, each and every one of them, under the color of state law and municipal authority.

#### **JURISDICTION AND VENUE**

6. This action raises federal questions under the United States Constitution, namely the First and Fourteenth Amendments, and under federal law, 28 U.S.C. §§ 2201 and 2202 and 42 U.S.C. §§ 1983 and 1988.

7. This Court has original jurisdiction over the federal claims by operation of 28 U.S.C. §§ 1331 and 1343.

8. This Court has authority to grant the requested injunctive relief under 28 U.S.C. § 1343(3); the requested declaratory relief pursuant to 28 U.S.C. §§ 2201 and 2202; and Plaintiffs' prayer for relief regarding costs, including reasonable attorneys' fees, under 42 U.S.C. § 1988.

9. Venue is proper in the District Court of the Eastern District of Virginia,

pursuant to 28 U.S.C. § 1391(b), because the claims arise in this district and the Defendants reside in this district.

### **PLAINTIFFS**

10. Christian Rights Ministries (“CRM”) is a 501(c)(3) non-profit, non-stock, domestic corporation in good standing with the State of Virginia. CRM is incorporated in Virginia. Its principal office is located in Chesapeake, Virginia.

11. Plaintiff Steve Taylor (“Mr. Taylor”) resides in Chesapeake, Virginia. Mr. Taylor is the founder, president, and a member of CRM.

### **DEFENDANTS**

12. Defendant City of Chesapeake is a municipal governmental authority, a subdivision of the Commonwealth of Virginia.

13. Defendant Robert Clifton (“Mr. Clifton”) is the Director of Parks and Recreation for the City of Chesapeake. In his official capacity, he is responsible for overseeing and implementing all policies affecting parks and recreation in the City of Chesapeake. Mr. Clifton is sued in his official capacity.

14. Defendant Donna Hill (“Ms. Hill”) is Recreation Superintendent for the Department of Parks and Recreation for the City of Chesapeake. In her official capacity, she is responsible for implementing all policies affecting parks and recreation in the City of Chesapeake. Ms. Hill is sued in both her official and individual capacities.

15. Defendant Brenda Johnson (“Ms. Johnson”) is Chairperson for the City of Chesapeake’s Fourth of July Celebration. In her official capacity, she is responsible for overseeing and implementing all policies affecting the Fourth of July parade and park festival in Chesapeake, Virginia. Ms. Johnson is sued in both her official and individual

capacities.

### **FACTS**

16. Steve Taylor is a professing Christian who, as a tenet of his faith, publicly proclaims and communicates his Christian beliefs and convictions to others.

17. In order to discharge this duty, Mr. Taylor seeks out opportunities to share his religious views in public. He founded Christian Rights Ministries (“CRM”) in 2002 for this purpose.

18. CRM’s mission statement is “to defend and preserve God given inalienable rights, to support His perfect will, and to promote the establishment of His kingdom for the glory of God.” As a way of sharing the Christian message with others, CRM participates in public events.

19. The core beliefs of Mr. Taylor and CRM are derived from the fundamental teachings of Christianity. They believe that Jesus Christ is God and came into the world to redeem sinners. They further believe that Jesus accomplished this act of redemption by dying on a cross.

20. Because of their Christian beliefs, the cross is a critically important symbol to Mr. Taylor and CRM members.

21. For Mr. Taylor and CRM, the cross, more than any other means of communication, conveys the essence, purpose, and benefits of Christianity.

22. Mr. Taylor and CRM believe it is imperative that they use the cross to share their message in public. For this reason, they built a polyurethane cross, approximately 12 feet in height and 6 feet wide, that rolls on wheels and can stand on its

own in a stationary position. In their public presentations, this polyurethane cross serves as an essential component of their message.

23. On July 4, 2007, CRM and its members, including Mr. Taylor, participated in the Fourth of July parade and celebration in Chesapeake, Virginia. The parade occurs every Fourth of July in Chesapeake, beginning at the South Norfolk Baptist Church at 10:00 a.m., running through Chesapeake Avenue, and ending at Lakeside Park around 11:00 a.m.

24. Once the Fourth of July parade arrives at Lakeside Park, a celebration and picnic occurs from 11:00 a.m. until 4:00 p.m. There are various games, crafts, exhibits, and activities that take place during this time.

25. CRM members, including Mr. Taylor, participated in the 2007 Fourth of July festivities in an effort to express their Christian beliefs publicly.

26. To participate in the parade and celebration, CRM had to and did obtain a permit.

27. During the parade, Bob Taylor, a member of CRM, carried the polyurethane cross.

28. A wide variety of charitable, civic, recreational, cultural, and community groups also participated in the parade. For example, the local rotary club, individual citizens campaigning for public office, a local chapter of the Disabled American Veterans, the Red Hat Society, and a Shriners group all participated in the parade. Many groups carried signs and other symbols in the parade.

29. Upon finishing the route of the 2007 parade, CRM members, including Mr. Taylor, set up a booth in the park. Likewise, other groups that participated in the

parade set up booths in the park.

30. To the side of their booth, CRM placed the polyurethane cross to communicate their Christian message to those in the vicinity.

31. The display of the cross was not endorsed or supported by the City of Chesapeake and CRM made no representation that its cross was endorsed or supported by the City. All the actions and messages of CRM and its members were created and supported solely by private actions and private funds.

32. Other groups with booths also put up displays in the park, including, but not limited to, the Pilot Club of Chesapeake and the West Munden Civic League.

33. During the celebration and picnic, Lakeside Park was open to the public. No gates or barriers limited access to Lakeside Park. There was no cost to enter into the park on July 4, 2007. People were free to roam within the park and engage in a wide variety of leisure activities.

34. While this celebration in the park was taking place, CRM was approached by Donna Hill. Ms. Hill is Recreation Superintendent with the City of Chesapeake and is the individual responsible for determining which displays in the park are appropriate. Ms. Hill requested that CRM remove the cross. Ms. Hill stated that she objected to the cross because it was “way out there” and “blatantly Christian.”

35. Bob Taylor, a member of CRM, objected that CRM did not want to remove the cross unless such removal was required by law.

36. Shortly thereafter, Ms. Brenda Johnson approached the CRM booth. Ms. Johnson is the Chairperson for the City of Chesapeake’s Fourth of July Celebration. Ms. Johnson said that the issue had been reviewed and park officials had determined that the

cross must be removed immediately. Ms. Johnson said that if the cross was not removed, the police would forcibly remove the cross without CRM's consent. Ms. Johnson explained that the "bottom line" reason for removing the cross was that the religious symbol was deemed "offensive."

37. Because of the threat of police action, CRM and Mr. Taylor complied with the demand of the park officials and removed the cross from their booth. As a result, the message of CRM and Mr. Taylor was severely compromised. CRM and Mr. Taylor could not communicate their religious message during the Fourth of July celebration because of the actions of defendants.

38. Defendants singled out and suppressed the message of CRM and Mr. Taylor because defendants disagreed with the content and viewpoint of the message expressed by CRM and Mr. Taylor.

39. In an effort to resolve this situation, Mr. Taylor and CRM, through counsel, sent a letter on July 24, 2007 to Mr. Ronald S. Hallman, the City Attorney for the City of Chesapeake. In this letter, counsel for Mr. Taylor and CRM described the events that occurred on July 4, 2007 and explained that the treatment of Mr. Taylor and CRM violated the Constitution. This letter demanded that the City of Chesapeake allow Mr. Taylor and CRM to express their religious beliefs, via the cross, in the Fourth of July Celebration. Mr. Taylor asked that the City of Chesapeake respond to the letter within two weeks.

40. Neither Mr. Hallman, nor any other official of the City of Chesapeake, ever responded to this letter. As a result, CRM and its members, including Mr. Taylor, have avoided public expression of their religious beliefs, specifically, public display of

their cross, for fear of arrest and of censorship of their viewpoint.

41. CRM and Mr. Taylor still desire to participate in public events in the future where they can express their religious beliefs via display of their cross.

42. Particularly, CRM and Mr. Taylor desire to participate in the upcoming 2008 Fourth of July parade and celebration and desire to display the cross in this event. CRM and Mr. Taylor wish to participate in this event every year. CRM and Mr. Taylor also desire to display their cross in other public events that occur throughout the year.

43. Because of the actions of city officials, though, CRM and its members, including Mr. Taylor, are afraid to participate in any public event with their cross. They fear their speech will be censored or they will be arrested for refusing to hide this Christian symbol. CRM and Mr. Taylor are deterred and chilled from expressing their religious beliefs in any public event in Chesapeake.

44. The impact of deterring CRM and Mr. Taylor from exercising their constitutional rights in the City of Chesapeake constitutes irreparable harm to Mr. Taylor and CRM.

45. CRM and Mr. Taylor do not have an adequate remedy at law for the loss of their constitutional rights.

#### **CAUSES OF ACTION**

46. Chesapeake's policies and actions act as a prior restraint on speech, invite arbitrary and unfettered discretion on behalf of government officials, and are discriminatory as construed and applied to the expression of CRM and Mr. Taylor. As such, Chesapeake's policies and actions violate CRM's and Mr. Taylor's right to freedom of speech under the First and Fourteenth Amendments to the United States Constitution.



47. Chesapeake's policies fail to provide fair warning that the public expression of a religious symbol could be illegal and allow for arbitrary enforcement against CRM and Mr. Taylor. As such, Chesapeake's policies violate CRM's and Mr. Taylor's right to due process under the Fourteenth Amendment to the United States Constitution.

48. Chesapeake's policies and actions demonstrate disparate treatment of public displays, singling out the Christian expression of CRM and Mr. Taylor for punishment. As such, Chesapeake's policies and actions violate CRM's and Mr. Taylor's right to equal protection under the Fourteenth Amendment to the United States Constitution.

49. Chesapeake's policies and actions act to impinge on the earnest religious beliefs of CRM members and Mr. Taylor. As such, Chesapeake's policies and actions violate CRM's and Mr. Taylor's right to free exercise of religion under the First and Fourteenth Amendments to the United States Constitution.

#### **PRAYER FOR RELIEF**

WHEREFORE, Plaintiffs CRM and Steve Taylor respectfully request the following relief:

A. That this Court enter a declaratory judgment stating that the City of Chesapeake's policies and actions are unconstitutional as applied to Plaintiffs' religious expression and violative of Plaintiffs' rights as guaranteed under the First and Fourteenth Amendments to the United States Constitution;

B. That this Court enter a preliminary and permanent injunction enjoining Defendants, their agents, officials, servants, employees, and all persons in active concert

or participation with them, or any of them, from enforcing any policy or practice used to restrict public display of Christian cross in the City of Chesapeake;

C. Adjudge, decree, and declare the rights and other legal relations with the subject matter here in controversy, in order that such declaration shall have the force and effect of final judgment;


D. That this Court award Plaintiffs nominal damages arising from the acts of the Defendants as an important vindication of the constitutional rights at stake;

E. That this Court award Plaintiffs their costs and expenses of this action, including reasonable attorneys' fees, in accordance with 42 U.S.C. § 1988 and other applicable law; and

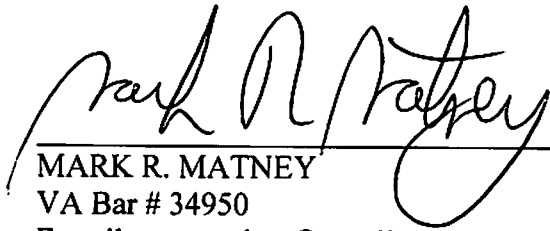
F. That this Court grant such other and further relief as this Court deems equitable and just.

**VERIFICATION OF COMPLAINT**

I, Steve Taylor, a citizen of the United States and a resident of Chesapeake, Virginia, hereby declare that I have read the foregoing Verified Complaint and the factual allegations therein, and the facts as alleged therein are true and correct.

A handwritten signature in black ink, appearing to be 'S. Taylor', written over a horizontal line.

STEVE TAYLOR



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